

REMARKS/ARGUMENTS

Status of the Claims

Upon entry of the present amendment, claims 2, 3 and 16-28 are pending. Claims 2, 3 and 16-17 and 21-28 are allowed. Claim 18 is amended to set forth an isolated or cultured host cell. Support is found, for example, on page 27, lines 6-11 and on page 33, lines 17.

Rejection under 35 U.S.C. § 101

The Examiner has rejected claim 18 under 35 U.S.C. § 101 as allegedly drawn to non-statutory subject matter. Applicants do not agree with the Examiner. Claim 18 ultimately depends from claim 2 which recites recombinant nucleic acid. However, in the interest of furthering prosecution, Applicants have amended claim 18 to set forth isolated or cultured host cells. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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